

Town of Frederick Board of Trustees



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AM 2009-052

To Consider the Sandstone Ridge Estates Preliminary Development Plan

Agenda Date: June 9, 2009

Attachments:

- a. Draft Planning Commission Minutes 5-19-09
- b. PCR-2009-07C
- c. Resolution
- d. Vicinity Map
- e. Preliminary Development Plan

Fiscal Note: None noted or provided Fiscal note


Finance Director

Submitted by: Jennifer Simmons
Planning Director

Approved for Presentation:


Town Administrator

AV Use Anticipated Projector yes Laptop no

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

The owners of Sandstone Ridge Estates have requested a preliminary development plan to allow for storage on a portion of their property. This general concept was considered by the Board of Trustees at a work session held June 16, 2005.

Detail of Issue/Request:

Applicant: Dillon Family, L.L.C.
Jack Dillon
138 S Downing St.
Denver, CO 80209

Property Owner: Dillon Family, L.L.C.

Location and Zoning: The project is located north of County Road 20, west of the West I-25 Frontage Road. The property is zoned R-1, Single family residential with a PUD overlay. There is no development plan currently being proposed on the property.

Surrounding Land Uses/Zoning:

North	Agricultural/Weld County Agricultural
South	Agricultural/Public and R-1 with a PUD overlay
East	Agricultural/Business/Light Industrial with a PUD overlay
West	Developing as single family residential/R-1 Low Density residential

Prior to March 2005, the property owner/applicant began discussions with staff regarding the potential storage of recreational vehicles including campers, all-terrain vehicles, boats, and motorcycles on an outlot of Sandstone Ridge Estates. Prior to allowing an application to be filed, the concept was presented to the Board of Trustees to see if the concept was at all palatable.

The application was filed March 7, 2006 and has been in the review process since that time. The project has been reviewed in accordance with the 2004 version of the Land Use Code which did not include any requirement to resubmit a project within any set timeframe. Thus, three years have passed since the original submittal.

The zoning for Sandstone Ridge Estates is R-1 with a PUD overlay. This was established October 26th, 2000 with ordinance 580. At that time, no development plan was considered by the Planning Commission or Board of Trustees.

A final plat was approved by the Board of Trustees April 12, 2007. This plat legally creates Outlot J which is in the northwest corner of the project and is approximately 1.5 acres in size. It is bordered on the west by sixty feet of right-of-way for a future collector road and a 28 foot gas easement. The southern and eastern edges of the outlot are encumbered by the Godding Ditch ditch easement.

The preliminary development plan would allow residents of the subdivision to lease storage space from the homeowners association in order to store recreational vehicles, all terrain vehicles, snowmobiles, utility trailers, boat/trailers, motorcycles, cars, and trucks. This storage is proposed to be buffered from adjacent properties by an eight foot tall fence and landscaping. The number of trees and shrubs being provided exceeds the requirements of the Land Use Code. Additionally, the trees will be taller than required by the Land Use Code.

The preliminary development plan deviates from the Land Use Code in permitting the storage within the R-1 zoning designation and the height of the fence to buffer the storage. The Land Use Code will continue to govern all aspects of setbacks, building height requirements, and uses permitted on the property.

Review Criteria: Preliminary development plan review criteria. The following review criteria will be used to evaluate a preliminary development plan application.

- (1) The proposed benefits offset the proposed exceptions to the Zoning and Subdivision standards, and that such exceptions are in the best interest of the public health, safety, and welfare of the community.
- (2) The proposed PUD conforms to the PUD restrictions, and the proposed zoning is compatible with the surrounding land uses.
- (3) The PUD proposes creative and innovative design and high quality development, thereby protecting and promoting public safety, convenience, health, and general welfare.
- (4) The uses and densities in the proposed development plan are compatible, and will be effectively integrated with adjacent neighborhoods which now exist or are proposed in the future.
- (5) The proposed PUD is in general conformance with the Comprehensive Plan.
- (6) One (1) or more of the criteria for amendment of the official zoning map has been met.

The preliminary development plan proposes a unique alternative for residents of Sandstone Ridge Estates. The benefits of storage within the subdivision offset the exception to the Zoning standards by providing an alternative to attempting to store this equipment in the garage and then not having room for the everyday car or rather storing it in the yard. The storage area can be compatible with surrounding uses, provided the landscaping is given the proper environment to flourish. The plan proposes an innovative design in providing this space and promotes the general welfare of the neighborhood. As suggested previously, the uses can be compatible and will be buffered sufficiently from adjacent neighborhoods. The plan is not in conflict with the Comprehensive Plan in the sense that these items that need to be stored could potentially be stored within a residential garage or within a person's yard. The plan simply provides an alternative for residents of the subdivision.

The following review criteria for amending the official zoning map has been met:

A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

The proposed development plan is creative in considering this mix of uses which addresses the common concern of storage of extra vehicles in neighborhoods.

Public Notice: This project was properly noticed according to the requirements of Article 3 of the Frederick Land Use Code.

Planning Commission: The Planning Commission considered this project at the meeting held May 19, 2009. General questions were asked regarding the ratio of available spaces to the number of homes in the subdivision, who would be allowed to rent spaces, and care and maintenance of the landscaping and fencing. The Commission voted to pass PCR-2009-07C (see attached). One Commissioner voted against the motion because of concerns about cedar fencing and allowing a more intense use (storage) in a less intense zone (R-1).

Legal/Political Considerations:

The uniqueness of the proposed storage use warrants consideration of waiving many of the general regulations established applying to storage facilities, in part because such regulations in the Land Use Code appear to be oriented toward commercial operations, rather than collateral or complementary accessory uses to the R-1 residential use in the PUD area.

It is likely that approval of this use within Sandstone Ridge Estates may prompt other developers to also request special consideration of residential storage areas, however, review of this application was unusual in that it was processed under the 2004 version of the LUC which did not contain the "proximity to other storage facilities" limitation that exists under the current LUC. As such, current applications reviewed under the LUC as it reads today may not be entitled to the level of consideration given to this application. The net effect of permitting this storage area use, however, may be that the development community calls for adoption of separate non-commercial storage regulations or broader consideration of the proximity limitation in the LUC for similar non-commercial storage areas located within residential developments.

Alternatives/Options:

The Board of Trustees may approve the request as submitted, deny the request, or approve the request with conditions.

Financial Considerations:

Not Applicable

Staff Recommendation:

Staff recommends approving the request for preliminary development plan with the following conditions:

1. The depth and type of gravel to be used for the parking surface will be identified on the Final Development Plan.
2. In regard to the landscaping being irrigated with Godding Ditch water, the Final Development Plan will require the following items to be addressed:
 - i. A sufficient number of shares to irrigate the property will be required to be put in the Town's name prior to recordation of the Final Development Plan. The Final Development Plan will require the number of shares that will be provided and the timing of when that will occur.
 - ii. The Final Development Plan will be required to have further details regarding the irrigation system.
 - iii. The Final Development Plan will be required to have information provided describing how irrigation will occur when the ditch isn't running.